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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 26TH DAY OF MAY 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

Writ Petition No. 16753 of 1994

K.P. Abraham
S/o Paily, Aged 57 years
Ganganadu Village
Kundapur Taluk
Dakshina Kannada District .. PETITIONER

(By Sri Anand Shetty, Advocate for Sri C.S.
Shanthamallappa, Advocate)

- Vs -

1. The Land Grant Committee
constituted under the
Karnataka Land Revenue Act
for regularisation of
unauthorised holdings of
Lands, Kundapura Taluk
Kundapura by its Secretary
the Tahsildar, Kundapura
2. The Regional Forest Officer
Byndoor, Kundapura Taluk
Dakshina Kannada District
3. The Divisional Forest
Officer, Kundapura Division
Kundapura, D.K. District .. RESPONDENTS

(By Sri N.P.Singri, HCGP for respondents)

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This writ petition is filed under Articles 226 and 227 of the Constitution of India praying to direct the R-1 to consider and dispose of the application filed by the petitioner for grant of land in Sy.No.271 measuring 5 acres of Byndoor Village, Kundapura Taluk and etc.

This petition coming on for preliminary hearing in 'B' Group this day, the Court made the following:-

O R D E R

The petitioner in this petition claims to be in unauthorised occupation of 5 acres of land in Sy.No.271 situated in Byndoor Village, Kundapura Taluk, ever since the year 1958. In this petition, the petitioner has sought for a direction to the 1st respondent -Committee to dispose of the application filed by him seeking regularisation of his unauthorised occupation in respect of the said land as provided under Section 94-A of the Land Revenue Act (hereinafter referred to as 'the Act') and in terms of the Rule 108-D of the Land Revenue Rules (hereinafter referred to as 'the Rules').

2. Sri Anand Shetty, learned counsel for the petitioner in support of the prayer of the petitioner drew my attention to the Endorsement dated 5th August 1991, a copy of which has been



produced as Annexure-H to show that the petitioner has filed an application seeking for regularisation of his unauthorised occupation in respect of the land in question. Though this petition was filed in the year 1994, till now statement of objections have not yet been filed disputing the claim of the petitioner that he has filed an application seeking regularisation of his unauthorised occupation of the land in question. Under these circumstances, the only order that can be made at this stage is to direct the 1st respondent to consider the claim of the petitioner for regularisation of his alleged unauthorised occupation of land measuring 5 acres in Sy.No. 271 of Byndoor village, Kundapura Taluk, Dakshina Kannada District, as early as possible and at any event of the matter not later than four months from the date of receipt of a copy of this order. However, it is made clear that the direction given to the 1st respondent to consider the



application of the petitioner should not be understood by the 1st respondent as this Court expressing its views one way or the other on the merits of the claim of the petitioner. That is a matter entirely for the Committee to consider in accordance with law. Accordingly, this petition is allowed. Rule issued is made absolute and this petition is disposed of in terms stated above.

3. Sri N.P. Singri, learned Government Pleader is given four weeks' time to file his memo of appearance.



Sd/-
JUDGE

pmg/